

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Nashua Association of School Principals:	:	
and	:	Case No. <u>M-0507</u>
City of Nashua, New Hampshire	:	Decision No. <u>780009</u>

APPEARANCES

Representing City of Nashua:

H. Philip Howorth, Esquire, Corporation Counsel
Dr. Berard Masse, Superintendent
T. Harrison Whalen, Nashua Board of Education
Lawrence E. O'Mara, Assistant Superintendent
Emma E. Nicol, Assistant Superintendent

Representing Nashua Association of School Principals:

Gregory D. Prymak, Esquire, Counsel
William G. Volante, Association President
William C. Marcoux, Junior High School Assistant Principal
Warren J. Toohig, Elementary School Principal
Charles J. Katsohis, Elementary School Principal
Roger C. Simpson, Senior High School Assistant Principal

BACKGROUND

The Board by its order issued September 26, 1977, created a bargaining unit for the Nashua Association of School Principals and excluded certain positions from the bargaining unit as supervisory and confidential. The City of Nashua School Board requested a rehearing in the matter which was conducted October 19, 1977. The Board has considered the evidence at the rehearing and amended its original order to exclude certain additional positions from the bargaining unit as confidential or supervisory (see order of the PELRB dated 30 November 1977 Case No. M-0506).

FINDINGS OF FACT AND RULINGS OF LAW

In its decision in the matter Keene State College PAT Staff Association, NHEA/NEA v. University System of N.H., Keene State College, Decision No. 780007, dated February 23, 1978, this Board has extensively set forth its standards concerning confidential and supervisory personnel under the statute. The Board will not here restate those standards but commends that decision to the parties for reference.

The Board has applied those principles on a case-by-case basis, including the facts of this matter and has made its decision.

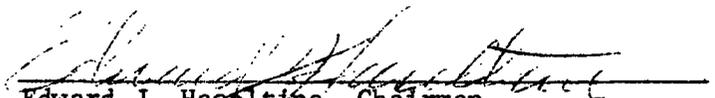
The Board finds that the principals in the positions excluded from the unit act in the interest of the public employer in its supervisory role. Specifically, the excluded principals do in fact supervise other principals in the context of labor relations, make personal decisions concerning them. They are in a position to affect the decision of the public employer concerning those other principals and therefore, these principals cannot be members of the bargaining unit composed of the same individuals, that is other principals, who are subject to their supervision in the context of labor relations, personnel actions and the like.

While there may be others in the group of principals who have the same title as those excluded, that is "principal", the evidence before the Board was not conclusive that those employees should also be eliminated from the unit because they had the same supervisory role, which controls. Titles alone, although similar, are not conclusive and the close examination by this Board of the functions and duties in the labor relations context is determinative. This Board has found that the principals excluded from the bargaining unit do have supervisory responsibilities over other principals and therefore, the prior findings are affirmed.

The Board would repeat that the parties should examine closely the principles applied and defined in the Keene State College, PAT case for further enumeration of the law.

ORDER

The findings of the Board as to the unit determination for Nashua Principals are affirmed.


Edward J. Haseltine, Chairman

Signed this 7th day of March, 1978